



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/723,694

11/28/2000

Tim Bridges

3499/67

7617

27383

7590

02/14/2006

CLIFFORD CHANCE US LLP
31 WEST 52ND STREET
NEW YORK, NY 10019-6131

EXAMINER

WEISBERGER, RICHARD C

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

09/723,694

EXAMINER


ART UNIT	PAPER
----------	-------

10312005

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents


Richard C. Weisberger
Primary Examiner
Art Unit: 3624

Art Unit: 3624

The applicant argues the relevancy of the previous request for information which asked for the names of any products or services that have incorporated the claimed subject matter of Financial Accounting Standards Board Statement No. 133 (FAS 133) or any predecessor Accounting Board Statements directed to Derivative Accounting. Arguments of relevancy of this request are misapplied. The courts have held that the scope of information that may be required from applicant by patent examiner pursuant to 37 C.F.R. §1.105 encompasses information relevant to patent examination either procedurally or substantively, and includes zone of information beyond that defined by 37 C.F.R. §1.56 as material to patentability, and beyond that which is directly useful to support rejection or conclusively decide issue of patentability, since Section 1.105(a)(1) states that PTO may "require the submission ... of such information as may be reasonably necessary to properly examine or treat the matter"; U.S. Patent and Trademark Office therefore did not misinterpret Section 1.105 in determining that information concerning any sale or public distribution of invention claimed in application for plant patent, and any information concerning Breeder's Rights applications or grants, is within authorized scope of requirement for information under Section 1.105. See, *Star Fruits S.N.C. v. United States*, 73 USPQ2d 1409 (CA FC 2005).

The relevancy for this request can be seen by looking at the independent claim as originally presented. Claim 16 read on a "a processor coupled to a memory comprising instructions to configure the processor to reducing earnings volatility in a derivative account pursuant to Financial Standards Accounting Board Statement Number 133

Art Unit: 3624


(FAS 133)". The relevancy of the request for products that exist that are responsive to FAS 133 is that such systems could be useful in supporting a rejection and/or could be useful for measuring the level of skill of financial engineers working on products and systems responsive to FAS 133. The applicant is requested to comply with this request.

Responsive to a the examiner's request for the C++ code comprising the instructions of the claimed invention, the applicant asserts that this request is improper. The governing Star Fruits decision holds otherwise. Nevertheless, this second request has been withdrawn.

Separately, the rejection under 101 of record is no longer applicable to the originally presented. The request for technology no longer applies.

This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of two months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Respectfully,

By, 
Rich Weisberger

AU 3624

571 272 6753

Application/Control Number: 09/723,694
Art Unit: 3624

Page 4